

# *St. Louis City Ordinance 65132*

FLOOR SUBSTITUTE  
BOARD BILL NO. 257 [00]

INTRODUCED BY ALDERMAN GREGORY CARTER, FRANCIS G. SLAY, DIONNE FLOWERS, FREEMAN BOSLEY, SR., LEWIS REED, STEPHEN J. CONWAY, KENNETH ORTMANN, MATT VILLA, ALFRED WESSELS, JR., STEPHEN GREGALI, MARGARET VINING, JOSEPH D. RODDY, KENNETH JONES, THOMAS BAUER, DANIEL KIRNER, CRAIG N. SCHMID, APRIL FORD GRIFFIN, IRVING C. CLAY, PARRIE L. MAY, TERRY KENNEDY

An ordinance to dedicate local use tax for the development and preservation of affordable and accessible housing, to provide for the manner of collection of the local use tax, to establish an Affordable Housing Commission, and to create an Affordable Housing Trust Fund, and to set standards for the expenditure of funds from the Affordable Housing Trust Fund, containing a severability clause and an effective date.

## **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Collection of Local Use Tax. The local use tax established and imposed under the provisions of Ordinance \_\_\_\_\_ (Board Bill # 258) shall be collected in accordance with Sec. 144.759 R.S.Mo. The Comptroller shall receive and collect all local use taxes distributed by the Missouri Director of Revenue under Sec. 144.759 R.S.Mo. and shall deposit and maintain the amount of such tax dedicated to the development and preservation of affordable and accessible housing in a separate and segregated account known as the "Affordable Housing Trust Fund" which shall be administered and distributed as provided herein. Any funds that remain unused or unallocated in such fund at the end of the City's fiscal year (including interest, other earned income, or repayments on loans) shall remain deposited in and for the use of the Affordable Housing Commission in the next fiscal year.

**SECTION TWO.** Establishment and Composition of Affordable Housing Commission.

A. Establishment. There shall be and is hereby established a commission consisting of eleven (11) members to be known as the "Affordable Housing Commission".

B. Appointment. The members of the Affordable Housing Commission shall be appointed by the Mayor and approved by the Board of Aldermen. Such appointment shall be made so as to provide for a total representation of the residents of this City as required by the provisions of Ordinance 55771.

C. Qualifications. Each member of the Affordable Housing Commission shall be a resident of the City of St. Louis and shall not be delinquent on any tax obligation to the City of St. Louis. Of the eleven (11) members of the Commission, the Mayor shall appoint (a) one member from the financial or banking industry, (b) one member from the St. Louis Labor Council or other organized labor union or organization, (c) one member from the Home Builders Association of Greater St. Louis or other organization dedicated to residential home development and construction, (d) one member who shall be a licensed realtor, (e) one member who is a tenant in subsidized or rent assisted housing, (f) one member from an organization that advocates on behalf of disabled persons, (g) one member from the health care profession, (h) one member from organizations that promote, preserve or advocate on issues relating to affordable housing, and (i) three members from the community at large. Each Member of the Affordable Housing Commission shall be chosen for their demonstrated interest in preserving and/or promoting the development of affordable and accessible housing and the stabilization of neighborhoods in the City of St. Louis.

D. Term. Of the eleven (11) Members of the Affordable Housing Commission initially appointed by the Mayor, four members shall be appointed for three year terms, four members shall be appointed for two year terms, and three members shall be appointed for a one year term. All Members of the Affordable Housing Commission thereafter

appointed shall be appointed for full terms of three years. No person, however, shall be eligible for appointment to the Affordable Housing Commission for more than two consecutive terms. Each term of office for the Members of the Affordable Housing Commission shall expire on the last day of the fiscal year of the City of St. Louis.

E. Compensation. Members of the Affordable Housing Commission shall serve without compensation.

F. Quorum. For the purposes of conducting any official business, six Members of the Affordable Housing Commission shall constitute a quorum.

G. Election of Officers. The Members of the Affordable Housing Commission shall elect by a majority vote of the total Members of the Affordable Housing Commission, officers consisting of a Chairman, Vice-Chairman, Secretary and Treasurer.

H. Compliance with Open Meetings Law. All meetings of the Affordable Housing Commission shall be held and conducted in accordance with the Missouri Sunshine Law, Sec. 610.010 R.S.Mo., as amended. All records of the Commission shall be held and subject to public disclosure in accordance with the Missouri Sunshine Law Sec. 610.010 R.S.Mo., as amended.

### **SECTION THREE. Operation of Affordable Housing Commission.**

A. Appointment of Executive Director. There shall be within the executive branch of the City government the office of Executive Director of the Affordable Housing Commission. The Mayor shall appoint said Executive Director in accordance with the qualifications and standards established by the Department of Personnel subject to approval of the Board of Aldermen. The Executive Director shall be responsible for the carrying out of the functions, duties and purposes of the Affordable Housing Commission and shall perform these and such additional duties as assigned by the Mayor.

B. Budget. The Executive Director is authorized to employ such personnel within the budgetary limitations as provided by the imposition and collection of the local use tax established and imposed by this Ordinance, provided that the salaries shall not exceed ten (10) percent of the departmental budget. The Executive Director may incur such expenses as are approved by the normal budgetary procedures. The salaries of the Executive Director and any administrative employees shall be commensurate with the duties and responsibilities of the respective positions.

C. Annual Report. The Executive Director shall prepare and issue at the conclusion of the City's fiscal year a report setting forth the state of affordable housing in the city, describing the activities and functions of the Affordable Housing Commission, summarizing the developments, programs, and services funded by the Affordable Housing Commission, and setting forth the expenditures made by the Affordable Housing Commission from the Affordable Housing Trust Fund. The annual report shall also include an assessment evaluating the performance of various departments of the City of St. Louis and other public agencies relating to the development and preservation of affordable and accessible housing in the City of St. Louis.

D. Powers and Duties.

1. Study and Recommendations. The Affordable Housing Commission shall make (or seek from other sources) an ongoing study of the status and quality of affordable and accessible housing in the City of St. Louis and shall make annual recommendation regarding actions to be taken by the City of St. Louis to improve the quantity and quality of affordable and accessible housing in the City of St. Louis.

2. Programs. The Affordable Housing Commission shall establish and provide funding for a development loan program and a grant program. In addition, the Commission is

authorized to create, sponsor, fund, and promote such other and further programs and services designed to develop and preserve affordable and accessible housing in the City of St. Louis including, but not limited to, education, consulting and technical support.

a. Loan Programs. The Commission is authorized to make low interest and no-interest loans to housing developers for the rehabilitation, modification, construction and preservation of affordable and accessible housing in the City of St. Louis on projects approved by the Community Development Agency, provided that all loans made hereunder shall be subject to land use restriction agreements that the units will be used for affordable and/or accessible housing for their entire useful economic life and all loans for new construction shall incorporate "universal design" standards to promote affordable and accessible housing for the disabled. Each project eligible for funding shall be sponsored by a housing or neighborhood organization operating in the immediate project area. The loan proceeds shall be disbursed by the Affordable Housing Commission on approved eligible construction costs actually incurred and not for administrative project costs such as developer overhead,

development fees or other expenses.

b. Grant Programs. The Affordable Housing Commission is authorized to make forgivable loans and grants to housing developers, property owners and tenants to promote the development and preservation of affordable and accessible housing in the City of St. Louis, provided that all grants made hereunder shall be administered in a manner to promote neighborhood stabilization and shall contain, where appropriate, conditions such as reasonable restrictions on and provisions for the oversight of tenants and landlords. Projects eligible for grants include projects such as (a) modifications to accommodate people with disabilities, (b) lead-based paint abatement, (c) emergency home repair assistance, (d) temporary emergency services to prevent homelessness (including mortgage assistance, rent assistance, and utility assistance), (e) emergency and transitional housing, (f) security deposit, utility deposit, down payment, and closing costs assistance. Each project eligible for funding shall be sponsored by a housing or neighborhood organization operating in the immediate project area.. The grant proceeds shall be disbursed

by the Affordable Housing Commission on approved eligible construction costs actually incurred and not for administrative project costs such as development overhead, development fees or other expenses.

E. Support Services. All loans and grants made hereunder shall include provisions for support services where appropriate to promote the development and preservation of affordable and accessible housing in the City of St. Louis.

F. Application Review. The Affordable Housing Commission shall have the authority and duty to review applications made by agencies, commissions and other departments of the City of St. Louis or by private groups seeking funds in coordination and conjunction with such city agencies, commissions or departments, for federal, state and local funding in connection with projects designed to promote the preservation and development of affordable and accessible housing in the City of St. Louis.

G. Review Standards. For the purposes of carrying out the provisions of this Ordinance, the Affordable Housing Commission shall have the authority to establish written standards, rules and regulations for funds from the Affordable Housing Trust Fund shall be made to and for the benefit of households earning no more than 80% of the St. Louis area's median income and provided that at least 40% of gross annual expenditure of funds from the Affordable Housing Trust Fund shall be made to and for the benefit of households earning 20% of the St. Louis area's median income or below.

H. Funding Restrictions and Preferences.

a. Health and Safety. The recipient of any expenditure of funds from the Affordable Housing trust Fund shall comply with all

applicable federal, state and local laws relating to health and safety, including, but not limited to, housing codes, occupation safety codes, product codes and standards, and consumer safety.

b. Anti-discrimination. The recipient of any expenditure of funds from the Affordable Housing Trust Fund shall comply with all applicable federal, state and local law relating to discrimination on the basis of race, national origin, sex, sexual orientation, age or other prohibited classifications. The Affordable Housing Commission may give preference to funding projects that require the use of thirty (30%) or more participation of minority business enterprises or disadvantaged business enterprises or that promote the employment opportunities of persons with low income or persons with disabilities.

c. Environmental Impact. The recipient of any expenditure of any funds from the Affordable Housing Trust Fund shall comply with all applicable federal, state and local laws relating to the environment. The Affordable Housing Commission may give preference to funding projects that exceed existing environmental requirements and standards or that incorporate energy efficient designs and materials.

d. Employment. The recipient of any expenditure of any funds from the Affordable Housing Trust Fund shall comply with all applicable federal, state and local law relating to employment including, but not limited to, minimum wage requirements, occupational safety, accident reporting requirements, etc. The Affordable Housing Commission may give preference to funding projects that create employment opportunities for residents of low



income neighborhoods and public housing complexes in the City of St. Louis and may give preference to funding projects that pay a living wage of at least \$8.75 per hour plus benefits, indexed to inflation, to all persons employed on said project.

I. Inter-Departmental Coordination. The Executive Director of the Affordable Housing Commission and the Director of the Community Development Agency shall coordinate activities under this Ordinance to insure that there is no program duplication between the Affordable Housing Commission and the Community Development Agency.

#### **SECTION FOUR.** Repeal or Amendment.

A. Repeal or Amendment of Local Sales tax. If the local sales tax is repealed or the rate thereof is reduced or raised by voter approval after the passage of this Ordinance, the local use tax shall be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

B. Repeal or Amendment of Local Use Tax. The local use tax established and imposed by this Ordinance shall not be repealed or amended unless such amendment or repeal is submitted to and approved by a majority of the qualified voters of the City of St. Louis.

**SECTION FIVE.** The provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

**SECTION SIX.** Effective Date.

This ordinance shall be effective immediately upon the approval by a majority of the qualified voters at the election to be held on Tuesday, April 3, 2001 of the provisions of Ordinance \_\_\_\_\_ (Board Bill # 258).

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
12/15/00	12/15/00	H&H		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
12/19/00			12/20/00	01/05/01
ORDINANCE	VETOED	VETO OVR	SIGNED BY MAYOR	
65132			01/16/01	